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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,284	11/08/2001	Jan Folkesson	WAL-0006	8368
23413	7590	03/23/2004	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

10/018,284

Applicant(s)

FOLKESSON, JAN

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 11-23 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment, filed 10 February 2004, has been reviewed and considered. The amendment canceled claims 1-6 and added new claims 7-23, amended the specification to include reference element 10 and provided a new abstract on a separate page. The amendments to the specification and to the abstract are approved and those objections raised in the first Office Action are withdrawn. Applicant does not believe the prior art of Nordin (WO 97/30606) and Townsend, Jr. (U.S. 4,292,689) disclose all the limitations of claims 7-23.

Regarding claims 7-13, applicant states that neither Nordin nor Townsend, Jr. discloses the following limitation: "a plurality of light permeating holes in the grid, the plurality of holes including a first group of holes having a first area and provided together within a first zone of the grid and a second group of holes having a second area and provided together within a second zone of the grid, said second area is different from said first area". Further, applicant states that Townsend, Jr. teaches holes of different sizes being interspersed among each other and that there is no teaching of grouping holes of one size together and then grouping holes of a second size together.

Examiner's Response: The visor of Townsend, Jr. inherently has many zones. A zone is a region or area set off as distinct from surrounding or adjoining parts. A group is any collection of assemblage of persons or things arranged or considered together as being related in some way. The visor of Townsend, Jr. has a plurality of light

permeating holes dispersed therein. While the holes appear randomly dispersed along the visor, there are holes of the same diameter which are located adjacent to one another and which broadly defines a group within a zone (see figure below). Claims 14-23 are related to claims 7-13 and therefore the above examiner's response is applicable. It is noted that the examiner has a different reasoning for combining the references as described in the prior art rejections listed below.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordin (WO 97/30606) in view of Townsend, Jr. (U.S. 4,292,689).

Nordin discloses a safety visor produced by etching metal. The visor has a grid 1 that defines a large number of light-permeating holes 5. The holes 5 are provided across the entire visor.

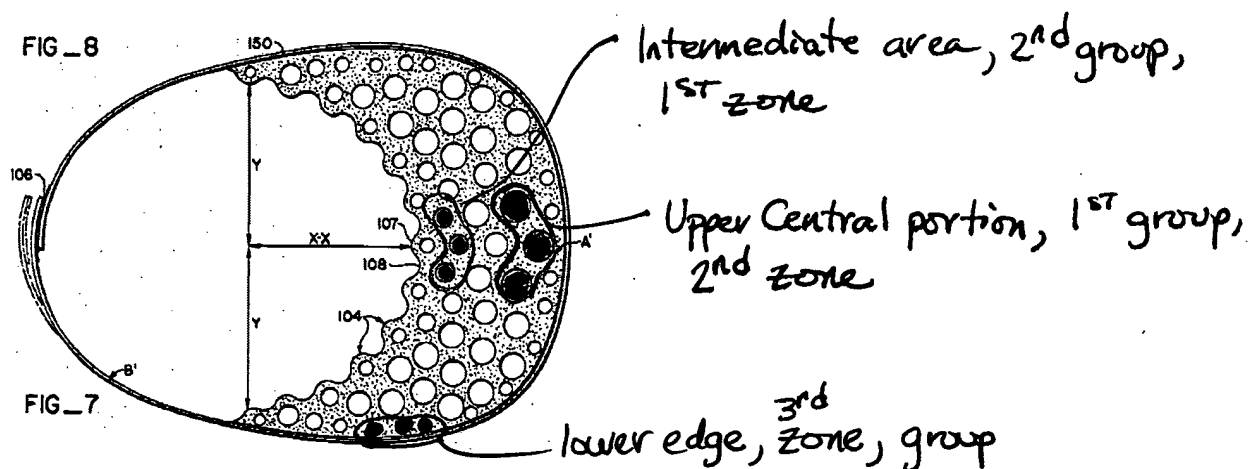
However, Nordin does not disclose that the holes have different areas, have different configurations and at least two zones have the same area of the holes within the zones and the areas of the holes are different in different zones.

Townsend, Jr. teaches a visor having holes (Figure 7) for providing unobstructed views, minimal wind resistance and air ventilation. The holes have different areas, have different configurations (Col. 7, lines 59-64), at least two zones have

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the same area of the holes within the zones and the areas of the holes are different in different zones (see figure below). This configuration enables the wearer to have unobstructed views, minimal wind resistance due to air/wind encountered by the wearer to flow therethrough and ventilation to the wearer's head and face while simultaneously ensuring structural rigidity of the visor due to the placement of the different sized holes about the visor.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to configure the visor of Nordin having holes of different areas and configurations, at least two zones having the same area of the holes within the zones and where the areas of the holes are different in different zones as taught by Townsend, Jr. in order to provide a wearer with an unobstructed view, a visor having minimal wind resistance and ventilation to the wearer's head and face while simultaneously ensuring structural rigidity of the visor due to the placement of the different sized holes about the visor.



With regard to claim 8, the first zone is an upper central zone and the second zone is located below the first zone.

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With regard to claims 9 and 16, the first group of holes and the second group of holes are circular in shape.

With regard to claims 11 and 17, the visor has an upper central zone and an intermediate zone located around the upper central zone and a lower edge located around the intermediate zone. Light transmission is greater in the upper central zone than in the intermediate central zone and light transmission in the intermediate zone is greater than in the edge zone.

With regard to claims 12, 18 and 22, the holes 5 have the same center-to-center spacing in a lateral direction regardless of the location of the holes.

With regard to claims 13, 19 and 23, the holes 5 have the same center-to-center spacing in a vertical direction regardless of the location of the holes.

With regard to claims 14 and 20, the invention is disclosed above.

With regard to claim 15, the first groups of holes all have a first area and the second groups of holes all have a second area. The first area is larger than the second area.

With regard to claim 21, a third group of holes is provided having a third area that is smaller than the second area. The third group of holes is provided in a third zone that is located around the second zone.

***Allowable Subject Matter***

4. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

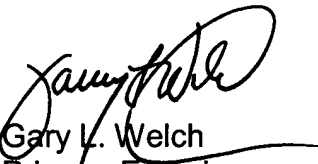
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw  
March 19, 2004